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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,248	02/19/2002	William Harold Falberg		1804

7590

07/13/2005

William Harold Falberg  
1942 White #2  
Grand Junction, CO 81501

EXAMINER
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ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/080,248

**Applicant(s)**

FALBERG, WILLIAM HAROLD

**Examiner**

Ghassem Alie

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Priority***

1. The statement for claiming benefit of a previously filed application under 35 U.S.C 120 is incorrect, since the filing date of the provisional application No. 60/275,195 provided by the applicant is not consistent with the filing date recorded by PTO. According to PTO records, the filling date of the above provisional application is Feb. 23, 2001 which is not consistent with filing date of Feb. 20, 2001 as provided by the applicant.

It should be noted that claimed subject matter of the instant invention is not entirely supported by the provisional application No. 60/275,195. For example, the provisional application fails to teach that the thrust support rollers have circumferential indentations or cogs corresponding to the size and shaped of the teeth of the band saw blade as set forth in claim 18. Therefore, the effective filing date for the subject matter such as above is the filing date of the instant application rather than the filling date of the provisional application No. 60/275,195.

***Specification***

2. The amendment filed on 11/09/04 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Amended Fig.7 showing a different mounting location of the trust support roller than the original Fig. 7;

Entire amended paragraph 5;

Entire added paragraphs 9a and 9b;

Entire amended paragraph 12;

Entire amended paragraph 13;

Entire amended paragraph 31; and

Entire added paragraphs 34a and 34b introduce new matter and are not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. The specification is objected to under 37 CFR 1.71 because it fails to teach that the thrust support rollers have both circumferentially arrayed indentations and arrayed cogs corresponding to the blade's teeth. It is not clear what is the difference between the cogs and the indentations of the support rollers and how do they function differently with respect to the teeth of the blade.

#### *Claim Objections*

4. Claim 18 is objected to because of the following informalities: "a bandsaw" should be --said bandsaw--. See Line 6 in claim 18. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of

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the claimed invention. Regarding claim 17, the specification fails to teach that the thrust support rollers have both circumferentially arrayed indentations and arrayed cogs corresponding to the blade's teeth. It appears that the circumferential indentations of the thrust support rollers are the same as the cogs of the thrust support rollers. Therefore, it is not clear as to what is the difference between the cogs and the indentations of the support rollers and how they function differently with respect to the teeth of the bandsaw blade. Regarding claim 18, the original disclosure fails to teach how the teeth of the blade do not substantially contact the thrust support roller but gullets of the blade substantially engage the cogs of the idle thrust roller. It is not clear how teeth of the blade do not substantially contact the thrust roller while the teeth engage with the trust roller. The original disclosure fails to teach in detail how the blade teeth are engaged with the indentations and/or cogs of the thrust support rollers. The original disclosure also fails to teach that one the thrust roller is an idle thrust roller.

7. Claims 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 17, the specification fails to teach that the thrust support rollers have circumferentially both arrayed indentations and arrayed cogs corresponding to the blade's teeth. It appears that the circumferential indentations of the thrust support rollers are the same as the cogs of the thrust support rollers. Therefore, it is not clear as to what is the difference between the cogs and the indentations of the support rollers and how they function differently with respect to the teeth of the bandsaw blade. Regarding

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claim 18, the disclosure fails to teach how the teeth of the blade do not substantially contact the thrust support roller but gullets of the blade substantially engage the cogs of the idle thrust roller. It is not clear how teeth of the blade do not substantially contact the thrust roller while the teeth are engaged with the thrust roller.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Claim 18, "the idle thrust support roller" lack antecedent basis.

#### *Comment*

10. It is noted that claims 17 and 18 have not been rejected over prior art. However, in view of the issues under 35 U.S.C. 112, first and second paragraphs and the objection under 37 CFR 1.71, the allowability of the claimed subject matter cannot be determined at this time.

#### *Response to Arguments*

11. Applicant's arguments with respect to claims 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miranti, Jr. (4,189,968), Snodgrass, Jr (6,463,836), Johnson (2,782,811), Stelljes et al.

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(4,001,937), Hayes (2,515,345), Rowe et al. (5,509,206), Blue (3,668,961), and Krippelz (5,410,934) teach a bandsaw machine including a blade guide having trust support rollers. Lotto (6,113,526), Andersson (4,517,879), and Baur (5,901,529) teach support rollers having indentations or cogs.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

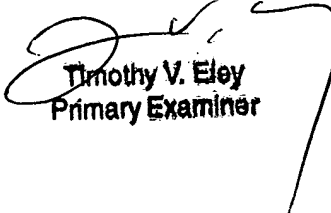
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

July 8, 2005

  
Timothy V. Eley  
Primary Examiner